

Introduced by: Elrich

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Drafted by:

Kenneth Sigman

Assistant City Attorney

ORDINANCE No. 2003-41

(Revision of the Code Provisions regarding Ethics)

WHEREAS, adherence to the highest ethical standards by City officials and employees is necessary for the efficient and effective operation of the City government; and

WHEREAS, the City is required, under Section 15-803 of the State Government Article of the *Annotated Code of Maryland* to enact laws governing the public ethics of its Officials; and

WHEREAS, Sections 15-803 through 15-806 of the State Government Article of the *Annotated Code of Maryland* require that the City's ethics laws be similar to the public ethics laws of the State of Maryland; and

WHEREAS, the Council is in the process of reviewing the provisions of the Takoma Park Code as part of the City ongoing recodification project; and

WHEREAS, the Council, as part of this recodification project, has determined that certain provisions the City's public ethics law need to be revised and, accordingly, adopts this ordinance amending the public ethics law and establishing Chapter 5, Ethics, of the *Takoma Park Code*.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that the provisions of Chapter 2, Article 2A, Ethics, of the Takoma Park Code are repealed in their entirety and replaced by the following Chapter 5, which shall stand in place of the Article being repealed:

TAKOMA PARK CODE

CHAPTER 5. ETHICS

§5-100	Title.
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§5-109	Enforcement; violations and penalties.

§5-100 Title.

This Chapter may be cited as the "City of Takoma Park Public Ethics Ordinance."

§5-101 Purpose and policy.

(a) The Council finds that:

(1) Officials, employees, and representatives of the City will maintain the highest standards of political and professional responsibility and maintain the highest respect for the interests of the citizens and for the City itself.

(2) Representative government depends upon the citizens having the highest trust in their public officials.

(3) The trust, necessary to our system of government, is dangerously eroded not only by improper conduct by employees and officials of government but by the appearance of improper conduct, as well.

(4) In order to maintain the fact and appearance of high standards of conduct, it is necessary to have clearly articulated standards of conduct, a procedure for resolving questions that may arise concerning the propriety of specific acts and a forum for receipt and review of complaints and questions, whether raised by concerned citizens, employees or those doing business with the City.

(5) The citizens have a right to expect that all decisions made in the name of the government of Takoma Park will be made for the general welfare of the citizens of Takoma Park, rather than for the private gain or personal motives of the official or employee making the decision.

(6) Employees and officials of government have a right to know that the government clearly articulates the standards of conduct by which their actions will be measured.

(7) Employees and officials of government have a right to expect that their personal lives, choices, associations and those of their families will not unduly or unnecessarily be burdened because of their choice to serve the City.

(8) No restriction placed upon the employees or officials of Takoma Park can be made without cost to the City, whether by discouraging otherwise qualified persons from serving government, or by discouraging vendors or other businesses from trading with the City, or by placing administrative burdens upon the City and those with which it conducts business.

(9) Full and timely disclosure of information and private activities that could affect the nature of public decisions allows the public to be aware of real or actual conflicts and make its own judgments about such conflicts.

(b) In order to meet these found needs and to articulate the balance which the Council has struck between the needs and expectations of the citizens, employees and those with whom the City does business, the Council has enacted this Ethics Chapter.

(c) On behalf of the citizens of the City of Takoma Park, the Council intends that this Chapter be liberally construed, in complement with the civil and criminal statutes of the State of Maryland and of the United States, to accomplish these goals without unduly restricting the rights of the officials and employees and their families to associate freely, speak freely and to enjoy the other rights and benefits of citizenship in this City, state and country.

§5-102 Scope.

Unless expressly provided otherwise, this Chapter shall apply to all individuals and organizations acting on behalf of the City in any capacity.

§5-103 Definitions.

In this Chapter, the following words have the meanings indicated:

(a) *Business or business entity* means any corporation, general or limited partnership, limited liability company, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation or other organization, regardless of whether or not operated for profit.

(b) *Commission* means the City Ethics Commission established in Section 5-104 of this Chapter.

(c) *Compensation* means any money or thing of value or waiver of any debt or obligation, regardless of form, received or to be received by any person covered by this Chapter for goods or services rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

(d) *Complainant* means a person filing an ethics inquiry or complaint.

(e) *Covered person* means any person who acts on behalf of the City by virtue of having been elected to, appointed to, or employed by the City or any City agency, board, commission, or similar entity whether or not paid in whole or in part with City funds and whether or not compensated.

(f) *Doing business with* means:

(1) Seeking, negotiating, or having a contract with the City that involves the commitment (either in a single or combination of transactions) of City funds, unless the contract relates to the City's membership in an organization or the primary purpose of the contract is to facilitate a donation of money, goods, or services to the City;

(2) Being the subject of or seeking specific legislative action by the City;

(3) Being regulated by or otherwise under the authority of the City; or

(4) Being registered as a lobbyist in accordance with Section 2-19 of this Chapter.

(g) *Financial interest* means:

(1) Ownership of any interest as the result of which the owner has received, within the past three years, or is presently receiving or in the future is entitled to receive more than one thousand dollars (\$1,000) per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three percent (3%) of a business entity.

(h) *Gift* means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Md. Code Ann., Article 33, § 26-1 et seq., or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

(i) *Governmental unit* means a department, agency, commission, board, council, or other body of City government established by law, including the Council.

(j) *Immediate family* means a domestic partner, spouse, mother, father, siblings, children and any dependents.

(k) *Interest* means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of Section 5-105 of this Chapter, "interest" applies to any interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

(1) An interest held in the capacity of a personal representative, agent, custodian, fiduciary or trustee, unless the holder has an equitable interest therein;

(2) An interest in a time or demand deposit in a financial institution;

(3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or

(4) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the

Internal Revenue Service to be a qualified trust under Sections 401 and 501 of the Internal Revenue Code.

(l) *Lobbying* means:

(1) Communicating in the presence of a City official or employee with the intent to influence any official action of that official or employee; or

(2) Engaging in activities having the express purpose of soliciting others to communicate with a City official or employee with the intent to influence any legislative action of that official or employee.

(m) *Person* means any individual or business entity.

§5-104 Ethics Commission.

(a) There shall be a City Ethics Commission, which shall be composed of up to seven (7) members appointed by the Council. The Commission shall have the following responsibilities:

(1) To devise, receive and maintain all forms generated by this Chapter.

(2) To provide at the request of any person concerning the application of this Chapter to an actual situation or one seriously contemplated, written advisory opinions. The Commission shall respond promptly to these requests, providing interpretations of this Chapter based on the facts provided or reasonably available to it. The Commission shall, to the extent practicable, publish its advisory opinions with any information that would identify the subject of the opinion deleted.

(3) To hear and decide any inquiry or complaint filed by any person regarding an alleged or potential violation of this Chapter. The Commission may obtain the advice of legal counsel to the extent it deems such advice helpful for the resolution of an inquiry or complaint. The City Manager shall procure the services of legal counsel at the request of the Commission. Legal counsel shall review all draft and final opinions of the Commission for legal sufficiency before the Commission issues an opinion to the public or a party. The City Attorney shall not provide legal counsel to the Commission regarding any inquiry or complaint or review opinions of the Commission for legal sufficiency.

(4) To conduct a public information program regarding the purposes and application of this Chapter.

(5) To recommend legislative changes and improvements to this Chapter.

(6) The Commission shall promulgate regulations to accompany this Chapter.

(b) The members of the Commission shall be appointed to staggered two-year terms and may only be removed by the Council for cause. "Cause" shall include neglect of duty, misconduct in office, a disability rendering the member unable to discharge the powers and duties of the office or a violation of this Chapter. Initially, three members shall be appointed to one-year terms and two

members to two-year terms. The terms shall begin on October 1st and end on September 30th. Any vacancy occurring on the Commission shall be filled for the unexpired term in the same manner as provided for appointments to the Commission. Commission members shall not serve past the expiration date of their term.

(c) Consistent with the provisions of state and City laws and ordinances, the Commission shall operate under Robert's Rules of Order or such rules as it may promulgate.

(d) Its members shall take an oath of office.

(e) The Commission may establish three-member review panels to investigate and adjudicate inquiries and complaints or respond to requests for advisory opinions.

(f) Each year the Commission shall elect one (1) of its members as Chair and one (1) of its members as Vice Chair. The Chair shall preside over meetings, assign members to such review panels as may be established and carry out other duties as may be established in the Commission's rules. The Vice Chair shall act as Chair in the absence of the Chair.

(g) Its members are authorized to administer oaths.

(h) The City Manager shall make available to the Commission such staff assistance as may be needed and shall provide appropriate security for Commission records.

(i) The City Attorney shall assist the Commission in carrying out its responsibilities at its discretion.

§5-105 Inquiries and complaints.

(a) The Commission will receive and review any ethics inquiries or complaints concerning covered persons. Any inquiry or complaint concerning City staff other than the City Manager or City Attorney and volunteers other than appointed members of City boards, commissions, and similar entities, shall be referred to the City Manager for appropriate disposition. The City Manager shall report to the Commission on the disposition of the inquiry or complaint. The City Manager's disposition shall be consistent with any prior written decision of the Commission. The Commission may comment on the City Manager's actions. If an inquiry or complaint is filed with the Commission that is a personnel matter and not an ethics issue, the Commission shall refer the inquiry or complaint to the City Manager for disposition without further reporting to the Commission. Should the Commission receive a complaint regarding any action that may be criminal, such allegation shall be referred to City, county, state or federal officials as appropriate.

(b) Inquiries and complaints must be under oath. Upon request of a complainant, the City shall not disclose his or her identity or knowingly disclose any information that would identify him or her. If the Commission determines that revealing such information is necessary to investigate and resolve the inquiry or complaint then it shall give the complainant written notice of its determination. The complainant shall have three days following such notice during which he or she may elect to withdraw the inquiry or complaint to maintain his or her confidentiality. If the complainant elects

to proceed with the inquiry or complaint, the Commission immediately shall reveal the identity of the complainant to the respondent. If the Commission determines, pursuant to subsection (h), that a hearing is necessary to resolve the inquiry or complaint and that resolution of the complaint depends on evidence given by the complainant, the identity of the complainant shall be made public.

(c) The inquiry or complaint must be filed within the later of 2 years after:

(1) the alleged or possible violation; or

(2) the complainant learned or should have learned of facts that would lead a reasonable person to conclude that a violation occurred or may have occurred.

(d) An inquiry or complaint may not be filed more than 6 years after the alleged or possible violation occurred.

(e) The Commission shall within 10 calendar days provide a copy of the inquiry or complaint to the respondent. The respondent may provide a response that shall be considered by the Commission.

(f) Opportunity to Cure.

(1) The Commission shall dismiss the inquiry or complaint in a signed public order if:

(A) The respondent, within 15 calendar days after receiving the complaint, takes any action that may be available to cure each alleged violation; and

(B) The Commission finds that dismissal is not contrary to the purposes of this Chapter.

(2) If the inquiry or complaint is dismissed under this subsection, the Commission shall promptly send a copy of the order to the complainant and the respondent.

(g) If the Ethics Commission determines, upon its preliminary review and investigation of the inquiry or complaint, that the inquiry or complaint does not merit further proceedings, the Commission shall:

(1) Dismiss the inquiry or complaint in a signed public order; and

(2) Promptly send a copy of the order to the complainant and the respondent.

(h) If the Commission does not dismiss the inquiry or complaint, the Commission shall hold a hearing on the inquiry or complaint in accordance with the Commission's procedures.

(i) There shall be a final Opinion of the Commission issued. Commission members may also release separate concurring and dissenting Opinions. All Opinions shall be public. The Commission may, at its discretion, delete information that would identify the subject of the Opinions; such identifying information may be disclosed to the Council as confidential as the Commission deems necessary or at the request of the Council.

(j) The Commission may not use as a basis for any fact or conclusion in its Opinion any information the source of which is not specifically identified; that is, information from anonymous sources cannot be used in an Opinion.

(k) Should the Commission propose to issue a finding other than no conflict of interest or no basis for the inquiry or complaint, a draft Opinion containing findings of fact and conclusions of law must be presented to the respondent before it is finalized. The respondent shall have an opportunity to respond to the draft before it is issued, and his or her response shall be addressed by the Commission in its final Opinion.

(l) The final Opinion shall be transmitted to the respondent prior to being released to the public. The Opinion shall, at a minimum, state the nature of the inquiry or complaint, the actions taken by the Commission to investigate the matter, the information received as a result of the investigation, the Commission's conclusions and the respondent's response, if any (which may be summarized). The Commission shall transmit a copy of the final Opinion to the Council with any enforcement recommendations.

§5-106 Prohibited conduct and interests.

(a) Participation prohibitions. A covered person may not participate in:

(1) Any matter, except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to that matter, if, to his or her knowledge, he or she or his or her immediate family member has an interest therein.

(2) Any matter, except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to that matter, when any of the following is a party thereto:

(A) Any business entity in which he or she has a direct financial interest of which he or she may reasonably be expected to know.

(B) Any business entity of which he or she is an officer, director, trustee, partner or employee, unless he or she holds such a position in an *ex officio* capacity authorized by the Council, or in which he or she knows any immediate family member has this interest.

(C) Any business entity with which he or she or, to his or her knowledge, any immediate family member is negotiating or has any arrangement concerning prospective employment.

(D) Any business entity that is a party to an existing contract with the covered person or which the covered person knows is a party to a contract with any immediate family member, if the contract could reasonably be expected to result in a conflict between the private interest of the covered person and his or her official duties.

(E) Any business entity doing business with the City in which a direct financial interest is owned by another business entity in which the covered person has a direct financial interest, if he or she may be reasonably expected to know of both direct financial interests.

(F) Any business entity that the covered person knows is his or her creditor or obligee, or that of any immediate family member, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the covered person or any immediate family member.

(b) If a disqualification pursuant to Subsection (a)(1) or (2) of this section leaves any body with less than a quorum capable of acting, or if the disqualified covered person is required by law to act or is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict and may participate or act.

(c) Employment or financial interests—general restriction.

(1) Prohibitions - Except as permitted by statute or when such employment does not create a conflict of interest or the appearance of a conflict of interest, a covered person may not:

(A) Be employed by, or have a financial interest in, any business entity subject to the authority of his or her governmental unit or any business entity which is negotiating or has entered a contract with his or her governmental unit; or

(B) Hold any other employment relationship or have any financial interest that would impair the impartiality or independence of judgment of the covered person.

(2) Exceptions - This prohibition does not apply to:

(A) A covered person who is appointed to a board, commission, or task force pursuant to a provision authorizing persons subject to the jurisdiction of the board or commission or affected by the recommendations or actions of the task force be represented in appointments to it;

(B) Subject to other provisions of law, including subsection (a) of this section, a member of a board, commission, or task force in regard to a financial interest or employment relationship held at the time of appointment, provided it is publicly disclosed to the appointing authority and the Commission;

(C) A covered person whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest;

(D) A Councilmember who has only infrequent conflicts of interest or apparent conflicts of interest and who recuses him or herself from participation in any matters involving such conflicts or apparent conflicts. However, in no event shall the City contract with entities that employ a Councilmember in a position where the Councilmember is likely to receive a direct financial or professional benefit as a result of the contract with the City or entities in which a Councilmember has a financial interest.

(3) A person who formerly held a position covered by this Chapter may not assist or represent another party other than the City for compensation in a case, contract, or other specific matter involving the City if that matter is one in which he significantly participated as a covered person.

(4) A covered person may not assist or represent a party for contingent compensation in any matter before or involving the City.

(d) Use of prestige of office. A covered person may not intentionally use the prestige of his or her office for his or her own private gain or that of another. The performance of usual and customary constituent or citizen services, without additional compensation, does not constitute the use of the prestige of office for a covered person's private gain or that of another.

(e) Solicitation or acceptance of gifts.

(1) A covered person shall not solicit any gift.

(2) *Prohibited gifts.* No covered person shall knowingly accept any gift, directly or indirectly, from any person that he or she knows or has reason to know:

(A) Is doing business of any kind with the Council, as to Councilmembers, or, as to other covered persons, with their governmental unit;

(B) Is engaged in activities that are regulated or controlled by the covered person's governmental unit; or

(C) Has a financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the covered person's official duty.

(3) *Permissible gifts.* Subsection (e)(2) does not apply to gifts meeting the criteria set forth in this paragraphs A through H of this subsection, unless any such gift might tend to impair the impartiality and the independence of judgment of any reasonable and prudent covered person receiving it, or, if of significant value, would give the appearance of doing so or a reasonable and prudent covered person should have reason to believe that it is designed to do so. Permissible gifts, which are subject to the gift reporting requirements of Section 5-107(a), include the following:

(A) Meals and beverages with a value of \$50 or less consumed in the presence of the donor.

(B) Ceremonial gifts or awards with a value of \$50 or less.

(C) Unsolicited gifts with a monetary value of \$10 or less.

(D) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting.

(E) Gifts of tickets or free admission extended by the sponsor of the event to a covered person and one guest to attend a sporting event or charitable, cultural or political event, if the purpose of this gift or admission is a courtesy extended to the office.

(F) Gifts that would not be detrimental to the impartial conduct of the business of the City and that are purely personal and private in nature.

(G) Gifts from an immediate family member or a child, ward or other relative over whose financial affairs the covered person has legal or actual control.

(H) Honoraria.

(I) Door prizes received by a covered person at an event where the covered person is attending in his or her official capacity.

(f) *Disclosure of confidential information.* Other than in the discharge of his or her official duties, a covered person may not disclose or use for his or her own economic benefit or that of another party confidential information which he or she has acquired by reason of his or her public position and which is not available to the public.

(g) *Retaliation.* It shall be unlawful for any covered person to take any retaliatory action against any person because that person has filed a request for an advisory opinion, inquiry or complaint in good faith under this Chapter. Covered persons shall be subject to disciplinary action up to, and including, termination or removal from office.

(h) This Section does not prohibit the City from imposing greater restrictions on the acceptance of gifts in appropriate circumstances.

§5-107 Financial disclosure.

(a) *Reporting of gifts.* This subsection applies to gifts made indirectly or on behalf of someone but does not apply to gifts received from an immediate family member.

(1) *Reportable gifts.* Reportable gifts include:

(A) Gifts received with a value in excess of twenty-five dollars (\$25) from a person who does business with the City, except for meals and beverages not otherwise prohibited by Section 5-106(e)(3)(A); and

(B) Any series of gifts valued in excess of one hundred dollars (\$100) received from any one person who does business with the City within the one year reporting period.

(2) *Immediate reporting of gifts.* Within seven days of receiving a reportable gift, elected officials and City employees shall file under oath or affirmation with the City Clerk a report describing the nature of the gift, the value of the gift, and the name of the person from whom, or on behalf of whom, directly or indirectly, the gift was received. Within ten days of receiving a report, the City Manager shall review each report to determine whether the gift is permissible under Section 5-106(e).

(3) *Annual gift disclosure statement.* Elected officials and City employees shall file under oath or affirmation with the City Clerk annual statements disclosing all reportable gifts, or affirmatively stating that the person received no reportable gifts, during the preceding year. The statement shall describe the nature of the gift, the value of the gift, and the name of the person from whom, or on behalf of whom, directly or indirectly, the gift was received. The statement shall be filed by January 10th. The City Manager shall conduct an annual review of all statements filed and determine if the reported gifts are permissible under Section 5-106(e).

(4) *Volunteer members of boards, commissions, or similar entities.* Persons subject to the provisions of this Chapter solely because they are volunteer members of boards, commissions, or similar entities must file reports as described paragraph (2) of this subsection regarding reportable gifts received from any person that is a party to a proceeding before the covered person's governmental unit. Such statements are required only when reportable gifts are received within one year before the initiation of the proceeding or within one year after the conclusion of the proceeding, and must be filed within seven days of receiving the gift or within seven days of learning that the person giving the gift is a party to a proceeding, whichever occurs later.

(5) Candidates for elective office shall file statements consistent with the requirements of paragraph (3) covering the preceding twelve months within ten days of their nomination. If he or she fails to do so, after written notice of his or her obligation, given at least 20 days before the last day for the withdrawal of candidacy, he or she shall be deemed to have withdrawn his or her candidacy.

(6) Appointees to positions covered by this Chapter who have not filed a financial disclosure statement as described in paragraph (3) shall file such a statement covering the twelve months preceding his or her appointment within 30 days after appointment.

(b) *Disclosure of potential conflict of interest.* Covered persons shall file a financial disclosure statement when an anticipated action by the person will present a potential conflict or potential appearance of conflict with his or her personal or financial interest(s). Such a disclosure shall be submitted to the Commission sufficiently in advance of the action to provide adequate disclosure to the public. Such disclosure statement shall contain a full and complete statement of all facts, including a complete description of the nature and extent of the person's financial interest(s), which present a potential conflict of interest.

(c) *Maintenance of financial disclosure statements* All statements filed pursuant to this section shall be maintained by the City Clerk and shall be made available, during normal office hours, for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the City Manager may establish from time to time. The forms shall be retained for three (3) years from the date of receipt. Any person examining or copying these statements shall be required to record his or her name, home address and the name of the person whose disclosure statement was examined or copied. This record, with the address redacted, shall be forwarded upon request to the person whose disclosure statement is so examined or copied.

(d) *Forms.* Except as otherwise specifically provided herein, all disclosure statements filed pursuant to this section shall be on a form or forms developed by the Commission.

(e) *Noncompliance.* Evidence of noncompliance shall be referred to the Commission for appropriate action.

(f) *Volunteers.* Except as provided in paragraph (a)(3) of this section, volunteers need not submit disclosure statements if the activities for which they are volunteering involve no authority to recommend purchases or commit funds.

§5-108 Lobbying disclosure.

(a) Any person who engages in lobbying and who in connection with such lobbying reasonably expects to expend in a given calendar year in excess of one hundred dollars (\$100) on food, entertainment or other gifts for one or more covered persons shall file a registration form as a lobbyist with the City Clerk on or before the beginning of the calendar year in which the person expects to lobby or within five (5) days after first performing any lobbying activity.

(b) The registration form required under this section shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposed to conduct lobbying activities. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form.

(c) Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gifts provided to a covered person. When a gift to a single covered person exceeds fifty dollars (\$50) in value, or a series of gifts exceeds one hundred dollars (\$100), the registrant shall also identify the covered person.

(d) All registration forms and reports filed pursuant to this section shall be maintained by the City Clerk and shall be made available during normal office hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the City Manager may establish from time to time. The forms shall be retained for three (3) years from the date of receipt. Any person examining or copying these statements shall be required to record his or her name, home address and the name of the person whose registration form or report was examined or copied. This record shall be forwarded upon request to the person whose statement is so examined or copied.

(e) All statements filed pursuant to this section shall be on a form developed by the City Clerk with the assistance of the City Attorney.

§5-109 Enforcement; violations and penalties.

(a) Upon direction of the City Council, the City Attorney may file an action for injunctive or other relief in the Circuit Court for Montgomery County or in any other court having proper jurisdiction for the purpose of requiring compliance with this Chapter. The court may take one or more of the following actions:

- (1) Issue an order to cease and desist from the violation;
 - (2) Void an official action taken by a covered person with a conflict of interest prohibited by this Chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public, provided, however, that the court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations;
 - (3) Impose a fine of up to one thousand dollars (\$1,000) for any violation of the provisions of this Chapter;
 - (4) Order the violator to make restitution; or
 - (5) Grant such other and further relief as is appropriate.
- (b) The enforcement provisions set forth in Subsection (a) above are in addition to any other civil remedies or criminal penalties provided by applicable law.
- (c) *Employees.* In addition to any other enforcement provisions in this Chapter, a City employee who is found by the City Manager or a court to have violated this Chapter may be subject to appropriate disciplinary action in accordance with the City's personnel regulations.
- (d) *Other officials.* In addition to any other enforcement provisions in this Chapter, a covered person who is subject to the provisions of this Chapter and who is found by the Ethics Commission to have violated its provisions may, at the City Council's discretion, be subject to termination or other appropriate disciplinary action.
- (e) Any person who is subject to the provisions of this Chapter shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to complete and substantiate any reports, statements or records required to be made pursuant to this Chapter for three (3) years from the date of filing the report, statement or record containing these items. These papers and documents shall be available for inspection upon request by the City after reasonable notice.

Adopted this 10th day of November, 2003, by roll-call vote as follows:

Aye: Porter, Austin-Lane, Dawes, Elrich, Maack, Stewart, Williams

Nay:

Absent:

Abstain: